

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

W.S. WILSON LEUNG (CABN 190939)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6758
Facsimile: (415) 436-6753
E-mail: wilson.leung@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	No. CR 14-CR-0018-EMC
)	
v.)	
)	
ANTHONY OCAMPO,)	PROPOSED DETENTION ORDER
)	
Defendant.)	
)	

This matter came before the Court on January 22, 2014, for a detention hearing. Defendant Ocampo was present and represented by Jai Gohel, Esq. Assistant United States Attorney W.S. Wilson Leung appeared for the Government.

Pretrial Services submitted a report to the Court and the parties that recommended detention, and a representative of Pretrial Services was present at the hearing. The Government moved for detention, and defendant opposed. Proffers and arguments regarding detention were submitted by the parties at the hearing.

1 Upon consideration of the facts, proffers and arguments presented, the Court finds by a
2 preponderance of the evidence that no condition or combination of conditions of release will
3 reasonably assure the appearance of the defendant as required. The Court also finds by clear and
4 convincing evidence that no condition or combination of conditions will reasonably assure the
5 safety of other persons and the community. Accordingly, the Court concludes that defendant
6 must be detained pending trial in this matter.

7 The present order supplements the Court's findings at the detention hearing and serves as
8 written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1).

9 With respect to all of the subsequent findings, this case involves a presumption in favor of
10 detention pursuant to 18 U.S.C. § 3142(e) because the defendant has been charged with possessing
11 methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). While the
12 ultimate burden of persuasion rests upon the Government, it is the finding of the Court that
13 defendant did not make proffer of facts or information sufficient to rebut the presumption.

14 The Court makes the following findings as the bases for its conclusion that no condition or
15 combination of conditions of release will reasonably assure the appearance of the defendant.

- 16 (1) the defendant faces a maximum term of imprisonment of 40 years' imprisonment and a
17 mandatory minimum sentence of 5 years' imprisonment;
- 18 (2) the defendant's criminal history includes at least five felony convictions;
- 19 (3) the defendant's prior terms of probation have been revoked on at least three occasions,
20 in October 1990, in May 2005, and in September 2013, suggesting he cannot comply
21 with supervision;
- 22 (4) the defendant has violated parole at least thirteen times between July 1993 and
23 September 2011, indicating that not only was he not amenable to supervision, but he
24 engaged in new violations of the law while on parole;
- 25 (5) the defendant's long term drug use;
- 26 (6) the defendant's inability to complete drug treatment; indeed, his failure was due not
just to the failure to complete treatment, but because he engaged in conduct that was

1 disruptive to the programs, i.e., in 2010, he got into an verbal altercation with a
2 program staff member, and in 2013, he got into an altercation with another program
3 participant;

4 (7) his failure to proffer any sureties.

5 For these reasons, the Court deems defendant Ocampo to present a risk of flight and
6 non-compliance that cannot be mitigated adequately by any conditions of release.

7 The Court also finds that the foregoing also supports the conclusion that no condition or
8 combination of conditions will reasonably assure the safety of other persons and the community as
9 well. The defendant's persistent criminal conduct, which includes crimes of violence, as well as
10 his long history of violating parole establishes that the defendant cannot be trusted to comply with
11 the law. Moreover, the nature of the offenses charged indicates that the defendant continues to
12 engage in dangerous conduct that carries the substantial risk of harm to others. For these reasons,
13 the Court deems defendant Ocampo to present a risk of danger to other persons and the community
14 that cannot be mitigated adequately by conditions of release.

15 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

16 1. Defendant Ocampo be, and hereby is, committed to the custody of the Attorney
17 General for confinement in a corrections facility separate, to the extent practicable, from persons
18 awaiting or serving sentences or being held in custody pending appeal;

19 2. Defendant Ocampo be afforded reasonable opportunity for private consultation
20 with counsel; and

21 3. On order of a court of the United States or on request of an attorney for the
22 Government, the person in charge of the corrections facility in which defendants are confined shall
23 deliver defendant to an authorized deputy United States marshal for the purpose of any appearance
24 in connection with a court proceeding.

25 SO ORDERED.

26 Dated: January 28, 2014

